



US Army Corps of Engineers

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SAJ-2015-01094(SP-RLT)

Posted 8/27/2015

ATTACHMENTS

 Graphics

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANTS: Florida Department of Transportation
Attn: Binod Basnet
3400 W. Commercial Blvd.
Ft. Lauderdale, Florida 33309

Palm Beach County
Attn: Morton Rose
2300 North Jog Road
West Palm Beach, Florida 33411

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the M-Canal, the Pond Cypress Natural Area and Grassy Waters Preserve. The project site is located along State Road 7 and along a new proposed extension of SR 7, in an alignment north of the existing SR 7 in Sections 1, 12, 13, and 24, Township 43 South, Range 41 East; Sections 19, 30, and 31, Township 42 South, Range 42 East; and Section 6, Township 43 South, Range 42 East; Palm Beach County, Florida.

Directions to the site are as follows: The project site is SR 7 from Okeechobee Boulevard to Northlake Boulevard: From the Florida's Turnpike take the exit for Okeechobee Boulevard (CR 704) and travel west approximately 3.7 miles to SR 7.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.74622°
Longitude -80.20499°

PROJECT PURPOSE:

Basic: The basic project purpose is roadway widening and new alignment expansion.

Overall: The overall project purpose is to expand SR 7 from Okeechobee Boulevard to 60th Street North and to construct a new four-lane divided roadway segment of SR 7 from 60th Street North to Northlake Boulevard in northeastern Palm Beach County.

EXISTING CONDITIONS: State Road 7 is an existing two-lane undivided roadway that currently terminates at 60th Street North. The existing road runs north-south between the Pond Cypress Natural Area to the east and residential communities to the west (Segment 1). North of the existing roadway terminus, in the location of the proposed roadway extension, Grassy Waters Preserve is located to the east and the Ibis Golf and Country Club to the west (Segment 2). The wetlands consist of freshwater open water, marsh, and forested systems. Land use/land cover types in and around the roadway corridor

were classified using the Florida Department of Transportation (FDOT) Florida Land Use, Cover and Forms Classification System (FLUCFCS, 1999).

The vast majority of land cover within the ROW is wetland (FLUCFCS 6000; 66.5 percent) and includes (in order of predominance): hydric pine flatwoods (625; 32.32 percent); freshwater marsh (6410; 18.5 percent); and mixed wetland shrubs (6172; 15.7 percent). Streams and waterways (5100) account for 9.0 percent of the area and pine flatwoods (4110) accounts for 2.1 percent of the area. The remaining uses consist of spoil mound (7430; 15.7 percent), and utilities, roads and highways (8100; 7.0 percent). Some portions of the project area include nuisance/exotic species due to disturbance. Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*) are the two notable nuisance species with presence exceeding 75 percent in some areas along the northern stretch. The most notable nuisance/exotic species in the southern portion of the project area is Australian pine (*Casuarina equisetifolia*).

A more detailed description of the project wetlands is provided below:

Freshwater Marsh, 6410

The freshwater marsh habitat was further classified into subcategories based upon the dominant vegetation type observed, defined as follows:

FLUCFCS 6410A – freshwater marsh dominated by native herbaceous vegetation; and

FLUCFCS 6410B – freshwater marsh dominated by exotic herbaceous vegetation.

Typical desirable native wetland species covering significant acreage in the FLUCFCS 6410A subcategory include soft rush (*Juncus effusus*), sawgrass (*Cladium jamaicense*), and maidencane (*Panicum hemitomon*), transitioning to pickerelweed (*Pontederia cordata*) in deeper water areas. Other observed species include beakrushes (*Rhynchospora microcarpa*, *R. colorata*), and spikerushes (*Eleocharis* spp.), water hyssop (*Bacopa monnieri*), St. John's-wort (*Hypericum perforatum*), and bogbuttons (*Lachnocaulon* spp.). While these marshes are dominated by groundcover species, some patches of shrubs do occur, particularly at the wetland edges, and consist primarily of Carolina willow (*Salix caroliniana*), myrsine (*Myrsine cubana*), and wax myrtle (*Myrica cerifera*). Decline in wetland quality generally occurs at the upland/wetland ecotone where invasive species tend to proliferate. Some emergent marsh habitat was observed to be exotic-dominated (greater than 66 percent vegetative coverage) and grouped into the FLUCFCS 6410B subcategory. Nuisance/exotic vegetation observed included Peruvian primrose willow (*Ludwigia peruviana*), torpedograss (*Panicum repens*), cattail (*Typha* sp.), common reed (*Phragmites australis*), and Brazilian pepper.

Hydric Pine Flatwoods, FLUCFCS 6250

The forested hydric pine habitat was further classified into subcategories based upon the dominant vegetation type observed, defined as follows:

FLUCFCS 6250A – hydric pine wetlands dominated by native forest canopy vegetation; and

FLUCFCS 6250B – hydric pine wetlands dominated by exotic forest canopy vegetation.

In general, two types of wetlands were classified into this wetland FLUCFCS group:

wetlands with a co-dominance of slash pine and dahoon holly (*Ilex cassine*). Typical observed canopy species include slash pine, dahoon holly, and cabbage palm (*Sabal palmetto*). Subcanopy and groundcover species observed include offspring of canopy species, coco plum, saw palmetto (*Serenoa repens*), fetterbush (*Lyonia lucida*), wax myrtle, myrsine, gallberry (*Ilex glabra*), maidencane, yellow-eyed grass (*Xyris* sp.), beakrushes, St. John's-wort, bloodroot (*Sanguinaria canadensis*), and wiregrass (*Aristida stricta*); and

wetlands with a predominance of slash pine. Typical observed canopy species include slash pine, dahoon holly, and cabbage palm. Subcanopy and groundcover species observed include offspring of canopy species, coco plum, saw palmetto, fetterbush, wax myrtle, myrsine, gallberry, maidencane, yellow-eyed grass, beakrushes, St. John's-wort, bloodroot, and wiregrass.

Mixed Wetland Shrub, 6172

This wetland habitat is typically dominated by invasive/exotics such as Carolina willow and Brazilian pepper. Other vegetation types include melaleuca, Australian pine, old world climbing fern (*Lygodium microphyllum*), as well as occasional native myrsine, wax myrtle, and cocoplum. Nuisance/exotic vegetation coverage is typically greater than 66 percent. This wetland habitat exhibits poor quality, as reflected by and directly attributable to the dominance of nuisance/exotic Carolina willow and Brazilian pepper.

Waterway, 5100

These open water features are channelized canals with steep banks and varying amounts of emergent and/or floating vegetative cover. Typically, the water features consist of the M-Canal and vegetated ditches that occur in the right-of-way north of the M-Canal. The M-Canal has maintained banks and is predominantly open water with minimal (0-10 percent) vegetative coverage. The vegetated ditches consist of non-maintained banks that are dominated by exotic vegetation and 50-75 percent coverage by rooted and floating vegetation (a mix of native and nuisance/exotic emergent wetland species). A majority of the unconsolidated bottom in these surface waters held standing water in excess of three feet deep at the time of the field reviews.

Pine Flatwoods, 4110

Pine flatwoods typical to the project right-of-way have a relatively open canopy (approximately 30 percent) with an understory of saw palmetto. Within the project right-of-way, this land use type is typically transitional between disturbed upland and hydric forests. The dominant canopy species observed within the project right-of-way is slash pine with occasional cabbage palms. Understory species observed include wax myrtle, coco plum, and gallberry. Groundcover is dominated by saw palmetto.

PROPOSED WORK: The applicant seeks authorization to discharge fill material over 57.2 acres of non-tidal wetlands along the existing 4.4-mile and proposed 4.1-mile roadway corridor. The project seeks to widen the existing two lanes to a four-lane divided roadway from Okeechobee Boulevard to 60th Street North (Segment 1). In addition, the project involves constructing a new section of roadway from 60th Street North to Northlake Boulevard, north of the current roadway alignment (Segment 2). The proposed project design includes the creation of stormwater management facilities within the existing right-of-way for water quality treatment and flow attenuation.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Extensive evaluation was conducted on the proposed project during the course of the Project Development and Environment (PD&E) Study to examine ways to eliminate and reduce wetland impacts. Four corridors were initially examined for the new alignment roadway segment, and these were vetted with the public during public meetings and hearings and with a commenting group of public agency representatives covering a wide variety of disciplines. Once the corridor alignment was selected, various ways to reduce the typical section were considered for both the widening and new alignment segments. Similarly, wetland avoidance and minimization were considered during the development and evaluation of pond sites. The original estimate of 113.9 acres of wetland impacts were reduced, through the process described above, to 57.2 acres.

Avoidance and minimization measures pertaining to wetlands, protected species, and other wildlife include the following:

- Reduction in the median width from 42 feet down to 22 feet from 60th Street North to Northlake Boulevard (this is the minimum width allowed per FDOT design and safety standards);

- Reduction in the width of drainage treatment areas from 175 feet down to +/- 30 feet;

- Location of all stormwater outfalls to the west to existing stormwater systems, to protect water quality in the natural areas;

- Elimination of a proposed pond site located within the FDOT Rangeline right-of-way, just south of the curve before the M-Canal crossing, due to the additional associated wetland;

Removal of a proposed shared used path on the east side of the roadway, replaced by sidewalk;
Use of the existing SR 7 county road by placing the alignment as far west as possible;
Use of retained earth walls where feasible;
Lowering the design elevation profile;
Incorporation of a minimal lighting scheme that will transition from the lights of local residences east into the natural area.
Reduction of secondary impacts to wetlands in Grassy Waters Preserve by placing the alignment as far west as possible;
Incorporation of on-site mitigation through enhancement, restoration, and preservation of wetlands within the FDOT right-of-way north of the M-Canal that will further reduce roadway-related secondary impacts on Grassy Waters Preserve; and
Inclusion of wildlife fencing along the east and south sides of the corridor (north and south of the M-Canal, respectively) and wildlife crossings that will allow the safe passage between Grassy Waters and the Ibis Mitigation Area.

Through these avoidance/minimization efforts, the following benefits have been realized:

Approximately 50% reduction in the typical section footprint (saves approximately 170 feet of right-of-way adjacent to the Grassy Waters Preserve that will be designated as a conservation easement (the area within the right-of-way that would remain untouched is over 54 acres);
Approximately 51% reduction in impacts to total wetland impact acres;
Approximately 92% reduction in potential encroachment to the Pond Cypress Natural Area;
Greatest reduction in wetland impact to occur within the native-dominated higher quality marshes (approximately 87% impact reduction north of M-Canal) and hydric pine (approximately 92% impact reduction north of M-Canal);
Reduced impact to preferred snail kite foraging habitat from nearly 10 acres to approximately 0.7 acres (93% reduction);
Reduced median width to prevent widening to the inside, restricting the roadway to only four lanes in the future. This represents an approximate 36% decrease in direct wetland impacts, and therefore, eliminates impact to 40 acres of wetlands;
Part of FDOT's mitigation plan is to enhance, restore, and preserve the remaining Rangeline right-of-way adjacent to the Grassy Waters Preserve, an area encompassing 54.0 acres, and apply a conservation easement to the unused portion of the right-of-way. This would prevent any future roadway widening to the outside;
Reduced secondary impact acreage in Grassy Waters Preserve wetlands by approximately 58% as a result of incorporating on-site mitigation (through wetland restoration, enhancement, and preservation) on the easternmost approximate 170 feet of right-of-way north of the M-Canal;
Minimized impacts to wildlife through sensitive structure design, use of appropriate fencing (that includes slats installed at the bottom of the fence to prevent small wildlife from passing through and reduce vehicular lighting impacts), heightened barrier wall on the M-Canal bridge and approach, and vegetated buffers to lessen the potential for vehicular strike impacts;
Construction of wildlife crossings at the M-Canal and the Ibis Mitigation Area outfall structure that will allow wildlife connectivity between natural areas;
Improvement in the quality of wildlife foraging, roosting, and nesting habitat in the 54.0 acre on-site mitigation area; and
Reduced unnecessary impact to wildlife through placement of the alignment as far west as possible within the ROW, closest to existing development.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The compensatory mitigation being proposed to offset the 57.2 acres of direct wetland and surface water

impacts and the associated secondary impacts will be provided through the following:
on-site wetland mitigation through wetland creation, restoration, and enhancement in 54.0 acres of on-site right-of-way which includes forested wetland restoration and creation, herbaceous wetland restoration and creation, freshwater marsh enhancement, shrub wetland enhancement, hydric pine enhancement, upland preservation, and wetland transitional area restoration;
allocation of credits at Palm Beach County's Pine Glades Permittee-Responsible Off-Site Mitigation Area (PROMA); and
credit allocation at SFWMD's Dupuis Reserve PROMA.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

Eastern Indigo snake: The potential impacts to the endangered Eastern Indigo snake were evaluated using The Eastern Indigo Snake Programmatic Effect Determination Key, August 2013. Use of the Eastern Indigo snake key resulted in the following sequential determination: $A > B > C > D > E$ "not likely to adversely affect" the Eastern Indigo snake. This is due to the project impacting less than 25 acres of xeric habitat (scrub, sandhill, or scrubby flatwoods). Also the applicant proposes to follow the FWS approved Standard Protection Measures for the Eastern Indigo Snake during the clearing and construction phases of the project.

Wood stork: Based upon review of the Wood Stork Key for South Florida dated May 18, 2010, the proposed project resulted in the following sequential determination: $A > B > C > E > =$ "may affect" the wood stork. This determination is based on the need to determine if the compensatory mitigation provides adequate suitable foraging habitat compensation for the proposed wetland impacts.

Florida panther: Based upon the Florida Panther Effect Determination Key dated February 19, 2007, the proposed project resulted in the following sequential determination: $A > B > =$ "no effect" the panther. No critical habitat or foraging or denning habitat occurs in the project area for the panther.

The project occurs within the consultation area of the Audubon's crested caracara (*Polyborus plancus audubonii*), Florida scrub jay (*Aphelocoma coerulescens*), and red-cockaded woodpecker. (*Picoides borealis*). No critical habitat or foraging or nesting/denning habitat occurs in the project area for these three species, therefore the Corps determination is that the project would have "no effect" on these species.

The USFWS issued a Biological Opinion for the project on November 13, 2014; the USFWS finds that the construction and operation of the proposed action is not likely to jeopardize the continued existence of the Everglade snail kite (*Rostrhamus sociabilis plumbeus*). The proposed project is located outside of critical habitat designated for the snail kite.

Many protection measures will be taken by the applicant to address federally and state protected species during the course of construction as well as in perpetuity as part of the Compensatory Mitigation Plan. Specifically for the snail kite, implementation of a project-specific snail kite management plan will occur prior to and during construction. This plan includes monitoring for nesting activity during construction and for five years post-construction, guidance for construction scheduling, and contractor education. In addition, compensatory mitigation for snail kite foraging, nesting, and roosting/perching habitat

impacts is being proposed above and beyond what is statutorily required for compensatory wetland mitigation. The proposed impacts to an estimated 51.1 acres of snail kite foraging, nesting, and perching/roosting habitat will be mitigated through a multi-faceted approach that includes compensation for direct and indirect habitat impacts, wetland preservation and conservation, an endowment to ensure management of preserved lands in perpetuity, and nest/bird protection during construction. The plan includes preservation of 216 acres of native wetland and upland habitats within three sections of the Rangeline: 1) Okeechobee Boulevard to the M-Canal; 2) Northlake Boulevard to SR 710; and 3) SR 710 to Jupiter Farms. Preserving this acreage discourages future development in the area.

The Corps will initiate formal consultation with the FWS pursuant to Section 7 of ESA, for the proposed project, by separate letter.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional lines have previously been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232 within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Mr. Randy Turner, in writing at the Jacksonville Permits Section, Post Office Box 4970, Jacksonville, Florida 32232, by electronic mail at Randy.L.Turner@usace.army.mil, by fax at (904) 232-1904, or by telephone at (904) 232-1670.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section

102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.